

September 5, 2007 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

08AN0102

Patricia B. Cecil, Trustee/Executrix

Bermuda Magisterial District
17001 Pembroke Street

REQUEST: A Variance to use a parcel of land which fronts a dedicated but unimproved public road for dwelling purposes in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not applicable generally to other properties in the area.
- B. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.

GENERAL INFORMATION

Location:

Property is known as 17001 Pembroke Street. Tax ID 793-630-4278 (Sheet 41).

Existing Zoning:

R-7

Size:

0.3 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Vacant

South - R-7; Vacant

East - R-7; Vacant

West - R-7; Vacant

Utilities:

Public water and sewer service is currently not available. This property is immediately adjacent to the old/undeveloped "Roosevelt Park" Subdivision, which has been replatted and is to be developed with public water and sewer. If public water and sewer lines are within 200 feet of the subject property at the time a building permit is applied for, any new structures on the property will be required to connect to the public system.

Environmental Engineering:

The area is very flat and appears to be in the wetlands. The applicant should provide a wetlands delineation to the Army Corps of Engineers for approval prior to applying for a building permit.

Transportation:

Due to its horizontal alignment, sight distance along Branders Bridge Road is limited at the Dover Road intersection. The applicant should improve Pembroke Street to state (VDOT) standards from Branders Bridge Road to the property, and get the road accepted into the state system. This would negate the need for this requested Variance.

General Plan:

(Southern and Western Area Plan)

Residential
(1 – 5 acre lots)

DISCUSSION

The applicant requests a Variance to use a parcel of land which fronts on a dedicated, but unimproved, public road for dwelling purposes. The access to the dwelling will be over a fifty (50) foot dedicated road from Point A to Point B, as shown on the attached map.

The applicant provides the following justification in support of this request:

This Variance will allow access to undeveloped property in Roosevelt Park, an old subdivision.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family, or complies with the plat validation process. In this case the applicant must comply with the plat validation process.

The subject property, which consists of 0.3 acre, is located approximately 220 feet off the west line of Branders Bridge Road at its intersection with Whitehouse Road. Also, the county GIS map shows that the property is located on the south line of Dover Street, approximately sixty (60) feet west of its intersection with Pembroke Street (two (2) unimproved paper streets). The approved Subdivision plat indicates that Dover and Pembroke Streets are fifty (50) foot wide dedicated but unimproved public roads. Staff's field inspection revealed that Dover and Pembroke Streets are unimproved.

The subject property is located in the Roosevelt Park Subdivision which was recorded October 8, 1945. Staff notes the tentative plat for the Seasons Creek (formerly Roosevelt Park) Subdivision, consists of seventy-seven (77) lots and was approved by the Planning Commission on May 17, 2005.

The subject property was not included in this new subdivision. However, this new subdivision will be adjacent to the subject property to the west and south.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Condition 2 will address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information which would serve as a basis for granting this Variance. Staff finds no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owner if this Variance were denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

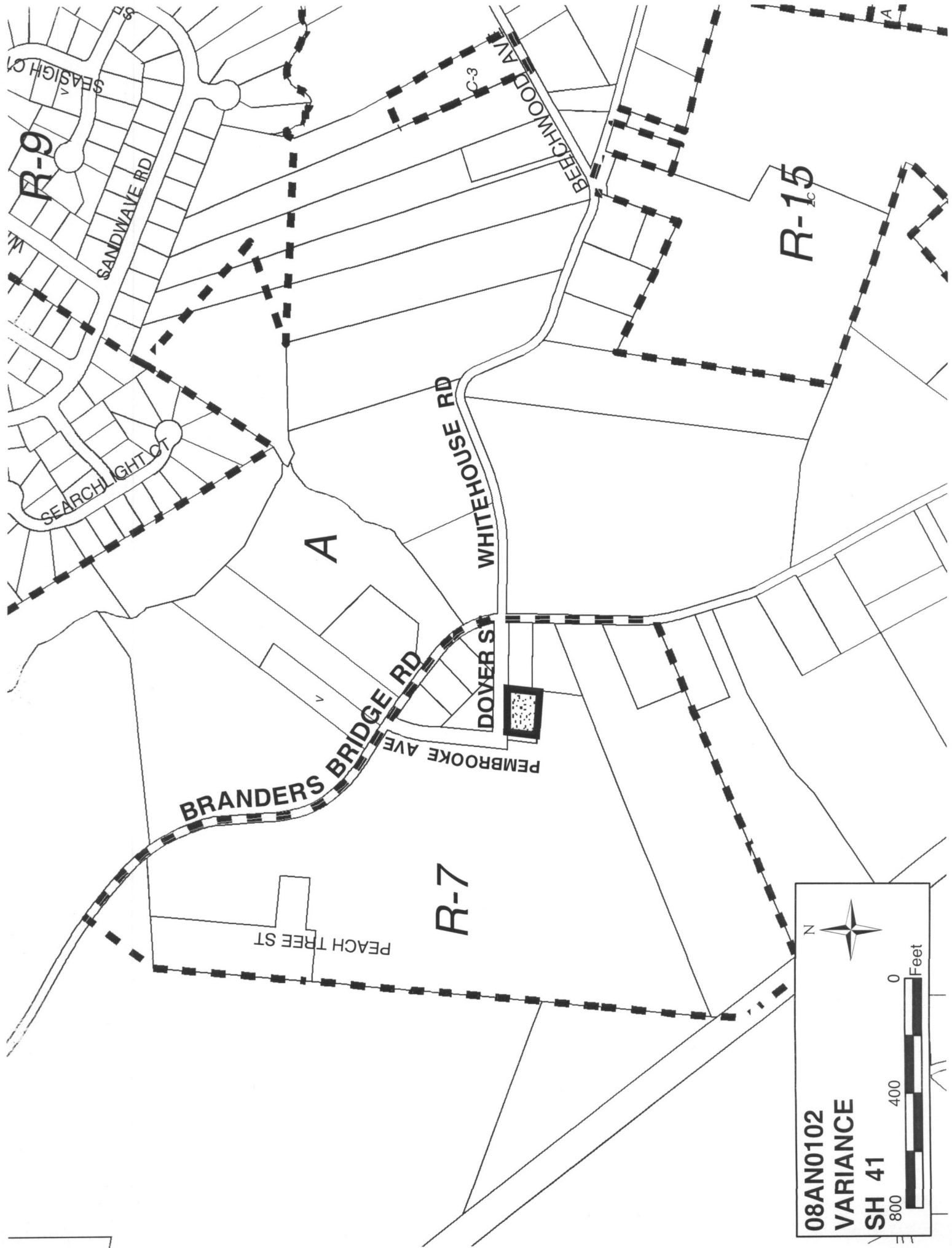
However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. Prior to approval of a building permit, the applicant shall provide a copy of the approved license agreement with the County to use the dedicated and unimproved County right of way from Point A to Point B, as shown on the plat attached to the staff report. (P)
2. A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B in accordance with the following standards:
 - (a) This roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone, if an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - (b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm. (P)
3. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine compliance as set forth above. (P)
4. The house numbers shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers. (P)
5. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided. (P)

6. A wetlands delineation, approved by the Army Corps of Engineers, shall be provided to the Environmental Engineering Department prior to the applicant applying for a building permit. (EE)

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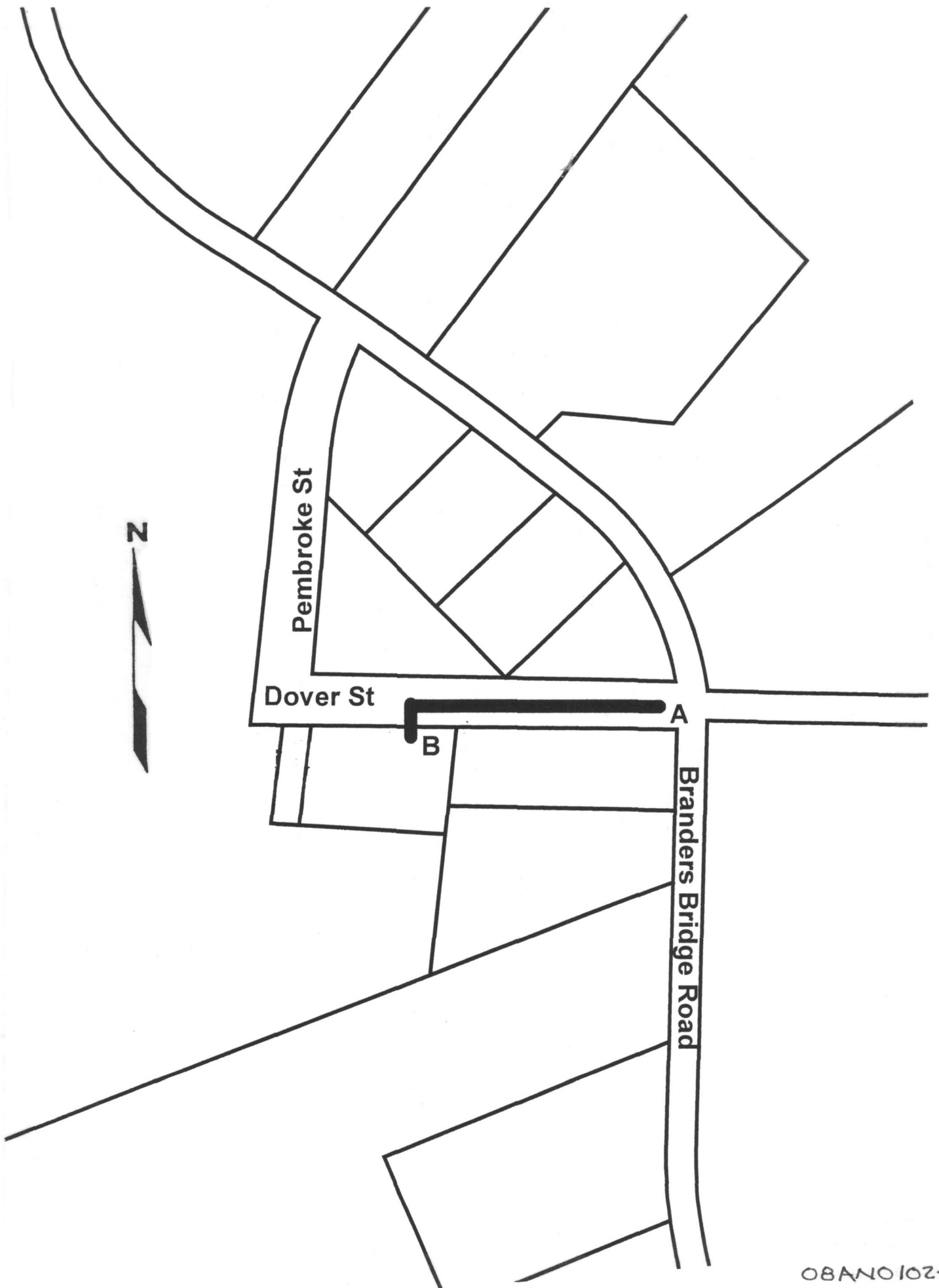


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